UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,932	08/29/2001	Tamichi Otsu	100809-16277 (SCEY 18.963	8950

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EXAMINER
DOAN, DUYEN MY

ART UNIT	PAPER NUMBER
2152	

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/942,932	OTSU, TAMICHI
	Examiner	Art Unit	
	Duyen M. Doan	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **3** MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _30 March 2006_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-32_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-32_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _29 August 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☒ All   b)☐ Some *   c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

This office action is in response to the submission filed on 3/30/06. Claims 1-32 are

currently amended for examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

Claims 1-32 recites the limitation "the queue" "the point of time" "the distribution

time" in independent claims 1,9,17,25. There is insufficient antecedent basis for this

limitation in the claim.

The dependent claims depend on claims 1,9,17,25 are rejected for the same

rationale as claims 1,9,17,25.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 6,9-11,14,17-19,22,25-27,30 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Tedesco et al (us pat 6,430,537) (hereinafter Ted) in view of

Gargeya et al (us pat 6,714,643) (hereinafter Gar).

As regarding claim 1, Ted sending information from a server machine to a client

terminal device whenever a distribution request is sent by a user via such client terminal

device (see Ted col.2, lines 24-63; col.3, lines 25-67; col.5, lines 36-55; col.6, lines 67,

the client make request for media by using a jukebox to a connected remote server,

after making the request, the server will send information to the client), the distribution

request expressing request for distributing content to such client terminal device via a

network the information expressing at least a total number of other users assessed sent

the distribution request earlier than the user, an order in the queue of the user in relation

to such total number of other users at the point of time when the distribution request is

sent by the user and a distribution schedule (see Ted col.2, lines 24-63; col.3,, lines 25-

67; col.5, lines 36-55; col.6, lines 67, the queue information will display on the jukebox

device for the client, the queue information include the number of requester, the queue

position regarding the request, the total playtime for all the content in the queue) and

displaying on the client terminal device the received total number of other users, and the

order in the queue of the user in relation to such total number of other users in text or

graphic (see Ted col.2, lines 24-63; col.3,, lines 25-67; col.5, lines 36-55; col.6, lines 67,

the queue information will display on the jukebox device for the client, the queue

information include the number of requester, the queue position regarding the request,

the total playtime for all the content in the queue).

Ted does not expressly disclose the distribution schedule time expressing a time

to start sending the content to *such* client terminal device of the user, which is

calculated based on the total number of other users sent the distribution request earlier

than the user, data size of the content, and data-communications speed of the network.

Gar teaches the wait time is calculated based on the total number of other users

sent the distribution request earlier than the user, data size of the content, and

data-communications speed of the network (see Gar col.5, lines 10-67; col.6, liens 41-

62, the wait time in a call distribution queue, this wait time is calculated base on the

queue position of the request, queue length, size of the data, traffic, priority etc...).

It would have been obvious to one with ordinary skill in the art at the time the

invention was made to include the wait time is calculated based on the total number of

other users sent the distribution request earlier than the user, data size of the content,

and data-communications speed of the network with Ted, because by calculated based

on the total number of other users sent the distribution request earlier than the user,

data size of the content, and data-communications speed of the network would provide

user with realistic and accurate wait time (see Gar col.1, lines 52-60).

As regarding claim 2, Ted-Gar discloses incrementing the order in the queue of

the user each time a predetermined processing is completed for one of other users, and

sending to the client terminal device information expressing a new total number of other

users and an incremented order in the queue of the user in relation to such new total

number of other users whenever the increment occurred (see Ted col.2, lines 24-63;

col.3, lines 25-67; col.5, lines 36-55; col.6, lines 67, update the queue, incrementing the

queue); and displaying on the client terminal device the received new total number and

the incremented order in the queue of the user in relation to such new total number in a

graphical or text style to thereby update the display (see Ted col.2, lines 24-63; col.3,,

lines 25-67; col.5, lines 36-55; col.6, lines 67).

As regarding claim 3, Ted-Gar discloses displaying on the client terminal device

the order in the queue of the user in relation to the total number of other users in a

specific display mode (see Ted col.2, lines 24-63; col.3, lines 25-67; col.5, lines 36-55;

col.6, lines 67).

As regarding claim 6, Ted-Gar discloses sending from the server machine to the

client terminal device termination time information for expressing a termination time of

the waiting (see Ted col.2, lines 24-63; col.3, lines 25-67; col.5, lines 36-55; col.6, lines

67); executing on the client terminal device a responding processing to the server

machine in order to issue a send request for target information within a predetermined

time period from a termination time specified by the termination time information

received from the server machine(see Ted col.2, lines 24-63; col.3,, lines 25-67; col.5,

lines 36-55; col.6, lines 67); and executing on the server machine a wait termination

processing for sending the target information to the client terminal device when the send

request was issued by the client terminal device within a predetermined time period

from a termination time specified by the terminal time information sent to the client

terminal device (see Ted col.2, lines 24-63; col.3,, lines 25-67; col.5, lines 36-55; col.6,

lines 67).

As regarding claim 9-11,14 the limitations are similar to claim 1-3,6, therefore rejected for the same rationale as claim 1-3,6.

As regarding claim 17-19,22 the limitations are similar to claim 1-3,6, therefore rejected for the same rationale as claim 1-3,6.

As regarding claim 25-27,30 the limitations are similar to claim 1-3,6, therefore rejected for the same rationale as claim 1-3,6.

Claims 4,12,20,28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tedesco et al (us pat 6,430,537) (hereinafter Ted) in view of Gargeya et al (us pat 6,714,643) (hereinafter Gar) as applied to claims 1,9,17,25 above and further in view of Gonzales (us pat 6,725,278).

As regarding claim 4 Ted and Gar disclose the invention substantially as claimed in claim 1, but does not disclose sending current time information expressing current time counted on the server machine to the client terminal device; correcting on the client terminal device time difference so as to agree a current time counted on the client terminal device with the current time counted on the server machine based on the current time information received from such server machine; executing a predetermined process on the server machine based on the current time counted thereon; and executing another predetermined process on the client terminal device in synchronization with the server machine based on the current time counted while being corrected for the time difference.

Gonzalez teaches sending current time information expressing current time
counted on the server machine to the client terminal device (col.3, lines 10-67);
correcting on the client terminal device time difference so as to agree a current time
counted on the client terminal device with the current time counted on the server
machine based on the current time information received from such server machine
(col.3, lines 10-67); executing a predetermined process on the server machine based on
the current time counted thereon (col.3, lines 10-67); and executing another
predetermined process on the client terminal device in synchronization with the server
machine based on the current time counted while being corrected for the time difference
(col.3, lines 10-67).

It would have been obvious to one with ordinary skill in the art at the time the
invention was made to combine the teaching of Gonzalez to the method of Ted and Gar
to synchronize the client with the server, because by synchronize the clients with the
server would help in maintaining the consistency and clock accuracy between the client
and the server after synchronizing (see Gonzalez col.1, lines 18-24).

As regarding claims 12,20,28, the limitations are similar to claim 4, therefore
rejected for the same rationales as claim 4.

Claims 5,7,13,15,21,23,29,31 are rejected under 35 U.S.C. 103(a) as being
unpatentable over Tedesco et al (us pat 6,430,537) (hereinafter Ted) in view of

Gargeya et al (us pat 6,714,643) (hereinafter Gar) as applied to claims 1,9,17,25 above
and further in view of Dowling (us pat 6,845,361).

As regarding claim 5, Ted and Gar disclose the invention substantially as claimed
in claim 1, but does not disclose sending from the server machine to the client terminal
device roll-call time information used for roll-call processing responsible for confirming a
will of staying in the queue; executing on the server machine the roll-call processing for
confirming a will of staying in the queue of the user based on the roll-call time
information sent to the client terminal device; and executing on the client terminal device
a responding processing for expressing the will of staying in the queue to the server
machine based on the roll-call time information received from the server machine.

Dowling teaches sending from the server machine to the client terminal device
roll-call time information used for roll-call processing responsible for confirming a will of
staying in the queue (see Dowling col.7, lines 1-58; col.8, lines 1-34; col.10, lines 38-54;
col.11, lines 46-52; col.12, lines 1-34, notify the user that the wait time is up and the
user would like to stay in the queue); executing on the server machine the roll-call
processing for confirming a will of staying in the queue of the user based on the roll-call
time information sent to the client terminal device (see Dowling col.7, lines 1-58; col.8,
lines 1-34; col.10, lines 38-54; col.11, lines 46-52; col.12, lines 1-34, notify the user that
the wait time is up and the user would like to stay in the queue); and executing on the
client terminal device a responding processing for expressing the will of staying in the
queue to the server machine based on the roll-call time information received from the
server machine (see Dowling col.7, lines 1-58; col.8, lines 1-34; col.10, lines 38-54;

col.11, lines 46-52; col.12, lines 1-34, notify the user that the wait time is up and the user would like to stay in the queue).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of Gonzalez to the method of Ted and Gar to confirm the will to stay in the queue from the client, because by confirm the will to stay in the queue from the client would be benefit in calculating the accurate wait time for the clients that are currently in the queue.

As regarding claim 7, Ted and Gar disclose the invention substantially as claimed in claim 1, but does not disclose deleting a right for the waiting when the responding processing was not executed.

Dowling discloses deleting a right for the waiting when the responding processing was not executed (see Dowling col.5, lines 25-26; col.7, lines 1-58; col.8, lines 1-34; col.10, lines 38-54; col.11, lines 46-52; col.12, lines 1-34). The same motivation was utilized in claim 5 applied equally well to claim 7.

As regarding claims 13,15, the limitations are similar to claim 5,7, therefore rejected for the same rationale as claims 5,7.

As regarding claims 21,23, the limitations are similar to claim 5,7, therefore rejected for the same rationale as claims 5,7.

As regarding claims 29,31, the limitations are similar to claim 5,7, therefore rejected for the same rationale as claims 5,7.

Claims 8,16,24,32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tedesco et al (us pat 6,430,537) (hereinafter Ted) in view of Gargeya et al (us pat 6,714,643) (hereinafter Gar) as applied to claims 1,9,17,25 above and further in view of what was well known in the art.

As regarding claims 8,16,24,32, Ted and Gar disclose the invention substantially as rejected in claims 1,9,17,25 above, but does not explicitly disclose displaying advertisement or a chat space on the client computer.

Official Notice is taken (see MPEP 2144.03) that displaying advertisement or a chat space on the client computer is well know at the time the invention was made.

It would have been obvious to one of ordinary skill in the art to include displaying the advertisement or a chat space on the client computer to the system of Ted and Gar, because by doing this, it would prevent the client from getting bore while waiting in the queue.

Response to Arguments

Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.
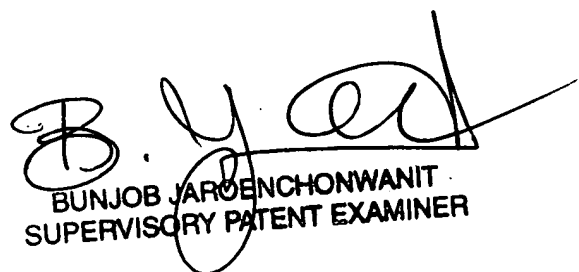
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duyen M. Doan whose telephone number is (571) 272-4226. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob A. Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Examiner
Duyen Doan
Art unit 2152

BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER